

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: All forms

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

In box 5, please check either "RRC Certified on" or "Not Required"

In box 6, the Notice of Text for these rules is incorrect. It was published on June 16, 2014. Please correct.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0100 is proposed for amendment as published in 28:24 NCR 3034 as follows:

SECTION .0100 – STATUTORY AND ~~ADMINISTRATIVE~~ ADMINISTRATIVE PROVISIONS

21 NCAC 26 .0101 is proposed for amendment as follows:

21 NCAC 26 .0101 AUTHORITY: NAME AND LOCATION OF BOARD

The "North Carolina Landscape Architecture Act," G.S. 89A, establishes and authorizes the "North Carolina Board of Landscape Architects," hereafter called the "~~board.~~" "Board." Unless otherwise directed, all communications shall be addressed to the ~~board~~ Board at Post Office Box 41225, Raleigh, North Carolina 27629.

History Note: Authority G.S. 89A-3.1

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. January 1, 2014; August 1, 2000; July 2, 1979.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0103

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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Please verify that all activities within this Rule qualify under the [G.S. 143-318.11](#), as Article 33C of G.S. 143 controls what may be subjected to closed meetings.

Line 5, add "In accordance with Article 33C of G.S. 143," before "meetings"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0103 is proposed for amendment as published in 28:24 NCR 3034 as follows:

21 NCAC 26 .0103 ORGANIZATION OF THE BOARD: OFFICERS

~~Meeting~~ Meetings of the ~~board~~ Board shall be open and public except that the ~~board~~ Board may meet in closed session to prepare, approve, administer or grade written examinations; or to examine and deliberate the qualifications of an applicant for registration; or to dispose of a proceeding to discipline a registered landscape architect.

*History Note: Authority G.S. 89A-3;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. January 1, 2014; August 1, 1988.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0105

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5 through 6, what are the current costs of the examination and how are they known by the regulated public? Please clarify.

Line 11, add a comma after "firm"

Line 19, add 89A-5 to the authority

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0105 is proposed for amendment as published in 28:24 NCR 3034-3035 as follows:

21 NCAC 26 .0105 FEES

(a) ~~Application fees~~ The fee for any license application shall be one hundred dollars (\$100.00).

(b) Examination fees shall be equal to the current cost of examinations incurred by the Board, plus administrative costs, and shall be paid prior to the examination.

(c) Fees for portions of examinations will be based on the actual charges to the ~~board~~ Board for procuring, administering and grading the portion of the exam. The fees shall be paid prior to the examination.

(d) The fee for a license by ~~reciprocity~~ comity shall be one hundred fifty dollars (\$150.00).

(e) The fee for a corporate certificate of registration shall be two hundred dollars (\$200.00).

(f) The fee for the annual renewal of any certificate of registration of any person, firm or corporation shall be one hundred dollars (\$100.00).

(g) Annual renewal fees received after ~~July 1~~ July 1st of each year shall be subject to a ~~one-time late payment penalty~~ late fee of fifty dollars (\$50.00). Lapse of license renewal in excess of one year shall require an application reinstatement and an application fee of one hundred dollars (\$100.00).

(h) The fee for re-issue of a lost or damaged certificate ~~or permit is ten dollars (\$10.00).~~ shall be twenty-five dollars (\$25.00).

History Note: Authority G.S. 89A-3.1; 89A-6;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. December 1, 1994; June 1, 1991; April 1, 1990; July 1, 1989;

Temporary Amendment Eff. October 1, 1997;

Temporary Amendment Expired July 12, 1998;

Amended Eff. January 1, 2014; August 1, 2000;

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0106

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 9, add 89A-3.1 to the authority

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

1 21 NCAC 26 .0106 is proposed for adoption as published in 28:24 NCR 3035 as follows:
2

3 **21 NCAC 26 .0106 SUSPENSION OF AUTHORITY TO EXPEND FUNDS**

4 In the event the North Carolina Board of Landscape Architects' authority to expend funds is suspended
5 pursuant to G.S. 93B-2(d), the Board shall continue to issue and renew licenses and all fees tendered shall
6 be placed in an escrow account maintained by the Board for this purpose. Once the Board's authority is
7 restored, the funds shall be moved from the escrow account into the general operating account.

8
9 History Note: Authority G.S. 93B-2

10 Eff. January 1, 2014;

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0107

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4, add the following opening clause:

In addition to the definitions in G.S. 89A-1, for the purposes of this Section the following definitions apply:

Line 17, replace the single quotation mark with double quotation marks prior to "LAAB"

Line 23, define or delete "specifically"

Line 24, add a comma after "location"

Line 27, add 89A-5

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0107 is proposed for adoption as published in 28:24 NCR 3035 as follows:

21 NCAC 26. 0107 DEFINITIONS

(a) “Board Executive” means the administrator of the Board.

(b) “CLARB” means the Council of Landscape Architectural Registration Boards.

(c) “Contact hour” means sixty (60) continuous minutes.

(d) “CEAC” means the Continuing Education Advisory Committee of the Board.

(e) “Direct Supervision” means the level of supervision by a licensed professional overseeing the work of another in which both work in circumstances where professional contact is relevant and routine, and the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

(f) “Education Activity” means an activity that increases the professional knowledge or skills of a licensee and relates to the protection or enhancement of the health, safety and welfare of the public and is approved by the Board.

(g) “Examination” means the process by which the Board determines the experience, academic or other qualifications and fitness for practice of an applicant, and may include a written examination administered by the Board or a third party.

(h) “Foreign Corporation” means a foreign corporation as defined in G.S. 55B-16(b).

(i) “LAAB” means the Landscape Architecture Accreditation Board.

(j) “LARE” means the Landscape Architecture Registration Exam administered by the CLARB.

(k) “License Year” means July 1 through June 30.

(l) “Resident licensed professional” means a licensee who spends a majority of the licensee's normal working time in a specifically identified place of business within North Carolina. Such time shall not be less than a majority of the operating hours of the business. A licensed professional shall be the resident licensee at only one place of business at one time unless each business is at least one-third owned by the resident professional and is specifically approved by the Board after a determination that the businesses are integrated in operation, ownership, office location and that the licensee will be in responsible charge of the professional services.

History Note: Authority G.S. 89A-3.1(2)

Eff. January 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0201

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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Line 4, define or delete "currently"

Line 6, define or delete "immediately"

Line 6, move the phrase "within 10 days of the change" from line 9 to between "shall notify"

Line 7, add a comma after "address"

Line 9, delete the clause "within 10 days of the change" and add a period after "firm"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0201 is proposed for amendment as published in 28:24 NCR 3035 as follows:

21 NCAC 26 .0201 BOARD LISTING OF INDIVIDUAL AND FIRM NAMES

Every individual licensee, partnership, firm or corporation has the continuing responsibility of keeping the Board currently advised of ~~his proper and~~ his, her or its current mailing address and other contact information and the name or names under which ~~he is practicing~~ he, she or it is practicing landscape architecture. Each licensee or firm shall immediately notify the Board of any and all changes of ~~association or address~~ association, address or contact information. Upon the dissolution or change of a professional relationship, the member or members thereof shall ~~promptly~~ notify the Board in writing concerning such dissolution, and of the succeeding status and addresses of the individual or ~~firm~~ firm within 10 days of the change.

History Note: Authority ~~G.S. 89A-3(e);~~ G.S. 89A-3.1(2);

Eff. February 1, 1976;

Readopted Eff. January 1, 2014; September 30, 1977;

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0301

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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Lines 11 through 12, delete "so long as the Board shall remain a member of the CLARB"

Line 14, define or delete "successfully"

Line 15, what is the authority for the fee to be "non-refundable"?

Line 18, replace "The" with "CLARB sets the"

Line 18, replace the comma after "LARE" with a period and delete the remainder of the sentence.

Line 18, replace "will" and "shall"

Line 19, add the website address after "site"

Line 20, replace "is deemed" with "shall be"

Line 23, add a comma after "LARE"

Line 25, replace "in fulfilling" with "to satisfy"

Line 26, what is the statute being referenced? Please clarify.

Page 2, lines 4 and 12, correct the alignment

Page 2, line 4, what is the statute being referenced? Please clarify.

Page 2, line 4, add a comma after "statute"

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

Page 2, line 4, delete “a minimum of”

Page 2, line 7, what form is being referenced? Where is it located? What content is required?

Page 2, line 8, define or delete “directly”

Page 2, line 10, replace “must” with “shall”

Page 2, line 10, define or delete “fully”

Page 2, line 10, replace “can” with “may”

Page 2, line 12, add a comma after “disclosure”

Page 2, line 13, uncapitalize “Rule” as it is not citing a specific rule

Page 2, line 13, add a comma after “Board”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0301 is proposed for amendment as published in 28:24 NCR 3035-3036 as follows:

21 NCAC 26 .0301 EXAMINATION AND LICENSURE

~~(a) Notice. The Board shall hold at least one examination during each year and may hold such additional examinations as may appear necessary. The secretary Board Executive shall give public notice of the time and place for each examination at least 60 days in advance of the date set for the examination.~~

~~(b) Examination. The Landscape Architect Registration Examination published by the Council of Landscape Architectural Registration Boards shall be the examination given by the Board, so long as the Board shall remain a member of the Council of Landscape Architectural Registration Boards. The Board may administer a state supplement to the Landscape Architecture Registration Exam (LARE) as allowed by the Council.~~

(a) The LARE published by CLARB shall be the examination recognized by the Board, so long as the Board shall remain a member of the CLARB. The Board may administer a state supplement to the LARE as allowed by the CLARB.

(b) All persons desiring to submit an application to take the LARE are encouraged to first make application through CLARB. Upon successfully taking and passing all sections of the LARE, candidates shall complete the Board application for license by examination and submit the non-refundable application fee as established in Rule .0105. If an application is complete and the applicant is otherwise qualified by statute and these rules to sit for examination, the Board shall approve the application for licensure by examination.

(c) The fees for the LARE, or parts thereof, are set by the CLARB. Fee information will be made available to all applicants for examination on the Board web site and may be obtained from the CLARB.

~~(d) (e) "Qualified Applicant" An applicant is deemed qualified to take the Landscape Architects Registration Examination (LARE) for examination and licensure upon graduation from a Landscape Architect's Accreditation Board (LAAB) LAAB accredited collegiate curriculum in landscape architecture and has completed the experience requirements, both as set forth in Paragraphs (d) and (e) of this Rule. architecture, passage of the LARE and the experience requirements of Paragraph (f) of this Rule.~~

~~(e) (d) (Educational Requirements. In allowing credit for education in fulfilling the minimum qualification requirements established by statute, the Board will allow credit for educational experience as follows: An an undergraduate, a masters, or a doctorate degree from an accredited curriculum approved by the Landscape Architectural Accreditation Board (LAAB) LAAB shall be deemed to have met the educational requirement.~~

~~(e) Experience Requirements.~~

~~(1) An applicant shall have a minimum of 8,000 hours of professional experience in landscape architecture working under the direct supervision of a registered landscape architect. In submitting an application to the Board for registration, a licensed landscape architect shall certify that the applicant has completed the number of hours indicated on the form; or~~

~~(2) An applicant may petition the Board for up to 8,000 hours of experience credit by providing proof of work experience that is directly related to the practice of landscape architecture as defined by G.S. 89A-1(3).~~

1 ~~(3) — Experience credits shall be based on a full time work week of 40 hours and a work year of at least~~
2 ~~2,000 hours. Part time work must be fully described and can be given proportional credit.~~

3 ~~(4) — One cannot receive experience credit if the work is fulfilling an educational requirement.~~

4 (f) To fulfill the experience requirements established by statute an applicant shall have a minimum of
5 8,000 hours of professional experience in landscape architecture working under the direct supervision of a registered
6 landscape architect. In submitting an application to the Board for registration, a licensed landscape architect shall certify
7 that the applicant has completed the number of hours indicated on the form. An applicant may petition the Board for up
8 to 8,000 hours of experience credit by providing proof of work experience that is directly related to the practice of
9 landscape architecture as defined by G.S. 89A-1(3). Experience credits shall be based on a full-time work week of 40
10 hours and a work year of at least 2,000 hours. Part-time work must be fully described and can be given proportional
11 credit. An applicant is ineligible to receive experience credit if the work was in fulfillment of an educational requirement.

12 (g) The Board shall treat as confidential and not subject to disclosure except to the extent required by law
13 or by Rule of the Board individual test scores and applications and material relating thereto, including letters of reference
14 relating to an application.

15
16 *History Note: Authority G.S. 89A-3.1(3); 89A-4(a), (b);*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. September 30, 1977;*

19 *Amended Eff. January 1, 2014; January 1, 2008; August 1, 1993; August 1, 1988; November 1, 1980;*

20 *July 2, 1979.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0303

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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Lines 4 and 6, if the "state" is the State of North Carolina, then capitalize the term

Lines 7, 8, and 9, replace "must" with "shall"

Line 7, what is the form? Where is it located? What content is required?

Line 8, what is the fee? Consider adding a cross-reference to another rule to clarify.

Lines 11, 14, 19, and 21, consider beginning the clause within this list with lowercase letters

Line 13, delete the "and" at the end of the line

Line 15, add a comma after "licensed"

Line 15, add a semicolon after "registered"

Line 15, add a semicolon after "state"

Line 19, what type of "additional information" may be requested?

Line 20, change the period after "Board" to a semicolon and add an "and" to the end of the clause

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0303 is proposed for amendment as published in 28:24 NCR 3036 as follows:

21 NCAC 26 .0303 ~~CERTIFICATE OF RECIPROCITY~~ LICENSE BY COMITY

(a) To assure that the requirements of the other state are at least equivalent to those of this state, an applicant for a ~~certificate of registration by reciprocity~~ license by comity shall show education and experience equal to those required of applicants residing in this state who seek ~~registration~~ licensure by examination.

(b) An application for a ~~certificate of registration by reciprocity~~ license by comity must be made on the form provided by the ~~board~~ Board and must be accompanied by the fee.

(c) To be approved for a ~~certificate of registration by reciprocity~~, license by comity the applicant must meet the following requirements:

(1) Provide evidence of having successfully completed the ~~written examination published~~ established by the ~~Council of Landscape Architectural Registration Boards~~ CLARB or hold a certificate issued by the ~~Council of Landscape Architectural Registration Boards~~; CLARB; and

(2) Provide certification from the proper official of any state having a landscape architectural registration act that the individual is currently certified, licensed or registered and in good standing in that state.

~~(3) In lieu of the requirements of Subparagraph (1) of this Paragraph an applicant for reciprocity who was licensed prior to the adoption of a national examination shall show proof of having met the requirements of their licensing state at the time of their licensure.~~

~~(4)~~(3) Submit such additional information concerning the applicant's qualifications as may be requested by the ~~board~~. Board.

~~(5)~~(4) Submit examples of work upon request.

(d) In lieu of the requirements of Subparagraph (c)(1) of this Rule, an applicant for licensure by comity who was licensed prior to the adoption of a national written examination shall show proof of having met the requirements of their licensing state at the time of their licensure.

History Note: Authority G.S. 89A-3.1(3); 89A-4(c);

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. January 1, 2014; January 1, 2008; August 1, 1988; July 1, 1984.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0307

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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Line 7, replace "must" with "shall"

Lines 8 and 10, add a comma after "sessions"

Line 12, add a period after "CEAC"

Line 13, replace "which shall" with "The CEAC shall review and"

Line 13, add "to the Board" between "recommend any"

Page 2, the line numbers on each page should start over with 1, in accordance with [26 NCAC 02C .0108\(1\)\(f\)](#).

Page 2, line 39, how is this information noticed to the regulated public? Is there a rule to cross-reference?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0307 is proposed for amendment as published in 28:24 NCR 3036-3037 as follows:

21 NCAC 26 .0307 CONTINUING EDUCATION AS A CONDITION OF ANNUAL RENEWAL

(a) Every licensee shall meet the continuing education requirements for professional development as a condition for license renewal.

~~(a)~~(b) In order for a licensee to qualify for license renewal as a ~~Landscape Architect~~ landscape architect in North Carolina, the licensee must have completed 10 contact hours of Board approved continuing education within the previous ~~year~~, license year. Such continuing education shall be obtained by active participation in courses, seminars, sessions or programs approved by the Board.

~~(b)~~ (c) To be acceptable for credit toward this requirement, all courses, seminars, webinars, sessions or programs shall first be submitted to a ~~five member Advisory Committee of North Carolina licensed Landscape Architects appointed by the Chairman of the Board with the advice and consent of the Board. The Continuing Education Advisory Committee~~ the CEAC ~~which shall recommend any course, seminar, webinar, session or program for continuing education credit to the Board that the Advisory Committee~~ CEAC finds to meet ~~determines meets~~ the criteria in ~~Paragraph (b)(1)(2) of this Rule~~ Rule .0308 (b) through (d).

~~(d) Advisory Committee members shall be reimbursed per diem and travel expenses for official meetings at rates equivalent to rates allowed for Board members. Advisory Committee CEAC members shall serve at the discretion of the Board.~~

(1) ~~Each course, seminar, session or program to be recommended for approval by the Board shall, in the opinion of a majority of the members of the Advisory Committee, CEAC, have a direct relationship to the practice of Landscape Architecture landscape architecture as defined in Chapter 89A of the General Statutes of North Carolina and contain elements which will enhance the health, safety and welfare of the citizens of North Carolina served by North Carolina licensed Landscape Architects.~~

(2) ~~The Continuing Education Advisory Committee CEAC shall meet at least once during each three month quarter of the year and act on each course, seminar, session or program properly submitted for its review. Each program shall be recommended for approval, recommended for disapproval or deferred for lack of information. Programs recommended for approval shall be accompanied by a brief statement of findings by the committee of how the program meets the criteria established by this Rule. Programs deferred for lack of information shall be deferred only once; and if information is still lacking when next considered, the program shall be recommended for disapproval. Programs may be recommended for pre approval by the Advisory Committee CEAC before they actually occur.~~

~~———— (3) Note: insert schedule for submittal of hours here).~~

~~———— (4) The Board may establish, in consultation with the CEAC, mandatory continuing education topics for a calendar year.~~

~~(e)~~ (d) Documentation of compliance with this ~~Section~~ Rule shall be by affidavit provided on the application for license renewal. Erroneous or false information attested to by the licensee shall be deemed as grounds for denial of license renewal and possible suspension of license or denial of consideration for future license reinstatement, at the discretion of the Board.

~~(d) Twenty contact hours within the previous two years shall be allowed for license renewals during the period of July 1, 1995 to June 30, 1996.~~

(e) The Board may establish, in consultation with the CEAC, mandatory continuing education topics for a license year.

*History Note: Authority ~~G.S. 89A-3(e);~~G.S. 89A-3.1(2); 89A-5;
Eff. May 1, 1990;
Amended Eff. January 1, 2014; March 1, 1996.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0308

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 11, replace "which" with "that"

Line 11, add a comma after "safety"

Line 14, add a comma after "session"

Line 14, define or delete "properly"

Line 14, please add language after "review" to clarify that the CEAE will review paperwork submitted "in accordance with ____" and cite the rule that provides the standards for submission to CEAE.

Line 15, add a comma after "disapproval"

Line 18, how is this pre-approval requested? Please clarify the process.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0308 is proposed for adoption as published in 28:24 NCR 3037 as follows:

**21 NCAC 26 .0308 DUTIES AND FUNCTIONS OF CONTINUING EDUCATION ADVISORY
COMMITTEE (CEAC)**

(a) CEAC members shall be reimbursed per diem and travel expenses for official meetings at rates equivalent to rates allowed for Board members.

(b) CEAC members shall serve at the discretion of the Board. The Board Chair shall appoint the CEAC Chair who shall serve at the discretion of the Board Chair.

(c) Each continuing education activity recommended for approval by the Board shall, in the opinion of a majority of the members of the CEAC, have a direct relationship to the practice of landscape architecture as defined in Chapter 89A of the General Statutes of North Carolina and contain elements which will enhance the health, safety and welfare of the citizens of North Carolina served by North Carolina licensed landscape architects.

(d) The CEAC shall meet at least once during each three month quarter of the year and act on each course, seminar, webinar, session or program properly submitted for its review. Each program shall be recommended for approval, recommended for disapproval or deferred for lack of information. Programs recommended for approval shall be accompanied by a brief statement of findings by the committee of how the program meets the criteria established by this Rule.

(e) An activity may be recommended for pre-approval by the CEAC before it actually occurs.

History Note: Authority G.S. 89A-3.1(6); G.S. 89A-5;

Eff. January 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0309

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5, 6, 8, and 13, consider beginning the clause within this list with lowercase letters

Lines 5, 7, and 12, consider replacing the periods at the end of the clauses with semicolons

Line 7, what is the statute being referenced? Please clarify.

Line 8, add a comma after "illness"

Lines 10 and 11, replace "which" with "that"

Line 12, add an "or" at the end of the clause

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0309 is proposed for adoption as published in 28:24 NCR 3037 as follows:

21 NCAC 26 .0309 EXEMPTIONS

(a) A registrant shall be exempt from the continuing education requirements for any of the following reasons:

(1) New registrants by way of examination or comity for the current registration year.

(2) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 90 consecutive days in a year or as provided by statute, whichever is greater.

(3) A licensee experiencing physical disability or illness if supporting documentation is approved by the Board. Such documentation shall be in the form of a sworn statement by the registrant, a statement from a physician, or medical records which show that the disability or illness prevented registrant's participation in a course which the registrant had enrolled, or prevented registrant's participation in the continuing education program for at least 90 consecutive days in a year.

(4) A licensee with emeritus status from the Board.

(b) In order to return to active practice, registrants who have received an exemption shall complete continuing education requirements for each exempted year, not to exceed two years.

History Note: Authority G.S. 89A-3.1(6); G.S. 89A-5;
Eff. January 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0310

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6, how does a licensee make this request or application to the Board? Please clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

1 21 NCAC 26 .0310 is proposed for adoption as published in 28:24 NCR 3038 as follows:

2
3 **21 NCAC 26 .0310 REINSTATEMENT CRITERIA**

4 A former licensee may only apply for reinstatement pursuant to G.S. 89A-5 if he or she has earned all delinquent contact
5 hours within the 12 months preceding the application. However, if the total number of contact hours required to become
6 current exceeds 24, then upon application, the Board shall determine the number of hours required.

7
8 History Note: Authority G.S. 89A-3.1(6); G.S. 89A-5;
9 Eff. January 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0311

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5, 12, and 13, replace "must" with "shall"

Line 5, replace "certify and sign the form" with "certify the form by signature"

Line 6, what is the application? Where is it located? What content is required?

Line 6, what is the fee? Consider adding a cross reference to another rule to clarify.

Line 7 and 9 discuss submittal of information. Who is the information supposed to be submitted to? Please clarify.

Line 14, add a comma after "CEAC"

Lines 14 and 15, please clarify this sentence. If an application is deferred, for how long? Is it returned to the applicant? What is the purpose of the last clause about "does not meet the requirements"? Is there supposed to be a list of what happens after the review? This sentence is very cumbersome and unclear. Please clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0311 is proposed for adoption as published in 28:24 NCR 3038 as follows:

21 NCAC 26 .0311 APPLICATIONS FOR APPROVAL

(a) Renewal applications require the completion of a continuing education form specified by the Board outlining credit claimed. The licensee must supply sufficient detail on the form to permit audit verification, certify and sign the form, and submit the form with the renewal application and fee.

(b) The following schedule for submittal of hours shall apply:

(1) Application for approval of continuing education shall be submitted online or by paper application.

(2) The deadline for submittal of an application shall be seven days prior to the regularly scheduled meeting of the CEAC.

(3) Activity forms submitted after May 15th cannot be guaranteed approval within the license renewal year.

(4) Applications for continuing education must be completed in full and the answers to the essay questions contained in the application must be in complete sentences, using proper grammar.

(5) Administrative staff, the CEAC and the Board may defer any application deemed unsatisfactory, to the licensee for further information or if the application does not meet the requirements set forth in this Section.

(6) Failure of a registrant to complete the continuing education requirements, or failure to file a report of completed continuing education are grounds for denial of license renewal and possible suspension of license, or denial of consideration for future license reinstatement.

History Note: Authority G.S. 89A-3.1(6); G.S. 89A-5;

Eff. January 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0312

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5 through 6, please clarify what is meant by "or as the result of information available to the Board."

Lines 8, and 10, consider beginning the clause within this list with lowercase letters

Line 8, add "or" after "certificates,"

Line 10, add a comma after "instructors"

Line 12, if the audits are conducted randomly, why are records only kept for two years? Do audits never look back beyond the most recent year?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0312 is proposed for adoption as published in 28:24 NCR 3038 as follows:

21 NCAC 26 .0312 COMPLIANCE

(a) Compliance with annual continuing education requirements shall be determined through an audit process conducted by the Board. Determination of individuals to be audited shall be accomplished through a random selection process or as the result of information available to the Board. Licensees selected for auditing shall provide the Board with the following documentation of the continuing education activities claimed for the renewal period:

(1) Attendance verification records in the form of transcripts, completion certificates, other documents supporting evidence of attendance; and

(2) Information regarding course content, instructors and sponsoring organization, for activities presented by other than approved sponsors as defined in Rule .0313.

(b) Attendance records shall be maintained by individual licensees for a period of two years for audit verification purposes.

History Note: Authority G.S. 89A-3.1(6); G.S. 89A-5;

Eff. January 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0313

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

On the form, box 11, this form is unsigned. Please sign and file an original and two copies, unstapled.

Lines 4 and 16, replace "must" with "shall"

Line 7, what is the renewal documentation? Where is it located? What content is required?

Line 7, what is the fee? Consider adding a cross reference to another rule to clarify.

Line 8, add a comma after "draft"

Lines 10, 15, and 17, replace "Section" with "Rule" and add "of this Section" or "of this Chapter" after the number. Please be consistent with the use of either "Section" or "Chapter"

Line 15, what is the late renewal fee? Consider adding a cross reference to another rule to clarify.

Line 15, add a comma after "fee"

Line 15, replace "and" with "along with"

Line 18, what is the authority for the fee to be "non-refundable"?

Line 20, add a comma after "suspension"

Line 21, add "of" after "first"

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

Line 25, add 89A-6 to the authority.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 02 .0313 is proposed for adoption as published in 28:24 NCR 3038 as follows:

21 NCAC 02 .0313 INDIVIDUAL LICENSES

(a) License registration must be renewed on or before the first day in July each year. No less than 30 days prior to the renewal date, the Board shall send a renewal reminder to each individual licensee. The licensee shall complete the current license renewal documentation required by the Board. The licensee shall submit to the Board the completed license renewal documentation, along with the annual license renewal fee. The Board shall not accept incomplete renewal documentation. If the accompanying charge, draft or check in the amount of the renewal fee is dishonored by the landscape architect's drawee bank for any reason, the Board shall suspend the license until the renewal fee is paid. When the annual renewal has been completed according to the provisions of G.S. 89A-5 and Section .0307, the Board Executive shall approve renewal of the license for the current license year.

(b) If the Board has not received the annual renewal fee and completed renewal documentation, on or before the first day of July each year the license shall expire and be delinquent. The license may be renewed at any time within one year of being deemed delinquent, upon the return of the completed renewal documentation, the annual renewal fee and the late renewal fee and demonstration of compliance with Section .0307 of this Chapter. After one year from the date of delinquency the license may no longer be renewed, but the licensee must seek reinstatement. Reinstatement shall occur according to the provisions of G.S. 89A- 5 and Section .0301 of this Chapter.

(c) Renewal fees are non-refundable.

(d) Any individual who is currently licensed by and in good standing with the Board who is serving in the armed forces of the United States shall not be subject to late fees, suspension or revocation for failure to renew licensure on or before the first day July each year, provided that the individual has been granted an extension of time to file a tax return as set forth in G.S. 105-249.2. The licensee shall, however, comply with the continuing education requirement of Section .0310 of this Chapter.

History Note: Authority G.S. 89A-5;
 Eff. January, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0314

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5, 10, 12, 21, 23, and page 2, line 5, replace "must" with "shall"

Lines 6 and 10, what is the registration form? Where is it located? What content is required?

Line 7, what is the fee? Consider adding a cross reference to another rule to clarify.

Lines 13 and 16, consider beginning the clause within this list with lowercase letters

Line 14, add a comma after "services"

Line 19, why is this renewal required by June 30 and not July 1?

Lines 23 and 24, why is this language located here? Would it not apply to all fees? Would this language not be better located in 21 NCAC 26 .0105, Fees?

Line 27, delete "in" before "responsible" and "charge" after "responsible"

Line 29, add a comma after "expiration"

Lines 30 and 31, add a comma after "fee"

Line 33, what is the authority for the fee to be "non-refundable"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0314 is proposed for adoption as published in 28:24 NCR 3038-3039 as follows:

21 NCAC 26 .0314 CORPORATE PRACTICE OF LANDSCAPE ARCHITECTURE

(a) Prior to offering and rendering landscape architectural services as set forth in G.S. 89A and 21 NCAC 26 .0206, all corporations must submit an application for registration and be granted registration by the Board. Application for registration to practice landscape architecture within the State of North Carolina shall be made upon forms provided by the Board and include the required application fee. Certificates for corporate practice may be issued only under the provisions of Chapter 55B of the General Statutes, except as provided in Subsection (b) of this Rule and G.S 57C.

(b) Applications for certificate of registration as exempt from the Professional Corporation Act under the provisions of G.S. 55B-15 shall be made upon forms provided by the Board. Completed applications must be accompanied by the corporate application fee. To be eligible as an exempt corporation under the provisions of G.S. 55B-15, the following conditions must exist:

(1) The corporation or limited liability company must have been incorporated or organized prior to June 5, 1969 and permitted by law to render professional services or must be a corporate successor to such corporation or limited liability company as defined by G.S. 55B-15; or

(2) The corporation or limited liability company must have been incorporated or organized prior to October 1, 1979 and must have been a *bona fide* firm engaged in the practice of landscape architecture and such services as may be ancillary thereto within the State of North Carolina prior to that date.

(c) Firm registration must be renewed on or before June 30th. If the Board has not received the annual renewal fee and completed application on or before June 30th, the firm license shall expire and be delinquent. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each registered firm. The firm must designate a firm manager to complete the renewal documentation required by the Board. The Board shall not accept incomplete renewal documentation. Renewal documentation must be accompanied by the renewal fee. If the accompanying payment in the amount of the renewal fee is dishonored by the firm's drawee bank for any reason, the Board shall suspend the firm registration until the renewal fee is paid. When the annual renewal has been completed according to the provisions of G.S. 89A-5, the Board Executive shall approve renewal for the firm registration for the current renewal year. The firm license shall not be renewed until the individual landscape architect in responsible charge for the firm has completed the individual renewal process.

(d) Within one year of expiration the firm license may be renewed at any time upon the return of the completed renewal documents, the annual renewal fee and the late renewal fee. After one year from the date of expiration for non-payment of the annual renewal fee the licensee shall not be eligible to seek reinstatement, as set forth in G.S. 89A-5, and the Board may reinstate the firms' certificate of registration only as allowed by G.S. 89A-4.

(e) Renewal fees are non-refundable.

(f) Each registered corporation shall adopt a seal pursuant to 21 NCAC 26 .0207.

(g) In addition to the requirements and limitations of Chapter 55 and Chapter 55B of the General Statutes, the firm name used by a landscape architectural corporation shall conform with 21 NCAC 26 .0206 and be approved by the Board

1 before being used. This Rule shall not prohibit the continued use of any firm name adopted in conformity with the
2 General Statutes of North Carolina and the Board's rules in effect at the date of such adoption.

3 (h) Landscape architects may practice in this State through duly authorized limited liability companies only as provided
4 under G.S. 57C-2-01(c). Any limited liability company that offers to practice or practices landscape architecture in this
5 State must comply with the same requirements applicable to professional corporations under Rules .0201, .0206, .0214,
6 .0218 and .0219 of this Section.

7
8 *History Note:* Authority G.S. 55B-5; 55B-10; 55B-15; 89A-3.1(4);
9 Eff. January 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0315

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

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The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5 through 7, consider providing this information in a list to clarify the items required and to provide cross-references to other rules to provide the specifics about the information required.

Lines 8, 10, 13, 14, 16, and 17, replace "must" with "shall"

Line 9, if the "state" is the State of North Carolina, then capitalize the term

Line 10, is this statement correct, "a certificate for filing a certificate"? Please verify

Line 16, add a comma after "engineer"

Line 18, delete "in" before "responsible" and "charge" after "responsible"

Line 21, why is the term "Limited Liability Company" capitalized? Since there is not a specific company, consider using lowercase letters

Line 23, add a comma after "geologist"

Line 23, why does this list of people not include a "land surveyor" like line 16?

Line 27, why is this renewal required by June 30 and not July 1?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0315 is proposed for adoption as published in 28:24 NCR 3039-3040 as follows:

21 NCAC 26 .0315 OUT-OF-STATE ENTITIES

(a) Landscape architectural entities from other states may be granted certificates of registration for practice in this State upon receipt by the Board of a completed application, fees, the submission of a certified copy of its corporate charter, or other corresponding documents, amended as may be necessary to ensure compliance with all requirements of Chapter 55B, the Professional Corporation Act of the State of North Carolina, and the payment of the firm application fee. In addition to the other requirements as set out in G.S. 83A-8, out-of-state (or “foreign”) entities must, prior to registration, receive from the Secretary of State of North Carolina a certificate of authority to do business within the state. A certificate for filing for a certificate of authority must be obtained from the Board prior to submitting the application to the Secretary of State.

(b) An out-of-state entity may be permitted to practice landscape architecture within the State of North Carolina provided that it complies with G.S. Chapter 55B. If an out-of-state entity offers landscape architectural services, then it must comply with requirements set forth in G.S. Chapter 89A. An out-of-state entity must have at least one officer or director licensed in the State as a landscape architect. Two-thirds of the issued and outstanding shares of the out-of-state corporations must be held by a landscape architect, architect, geologist, engineer or land surveyor licensed to practice the profession in a jurisdiction of the United States. However, the entity must designate at least one landscape architect who is licensed in the State of North Carolina to be in responsible charge for the entity’s practice of landscape architecture within the State of North Carolina. Notwithstanding the requirements of this Rule, an individual landscape architect who is licensed under G.S. Chapter 89A, *et seq.*, may practice as an individual.

(c) An out-of-state Limited Liability Company may practice landscape architecture, if the Limited Liability Company complies with G.S. 57C and at least one member and one manager or member/manager is licensed as a landscape architect, architect, geologist or engineer to comply with Paragraph (a) of this Rule.

(d) An out of state Limited Liability Partnership may practice landscape architecture, if the Limited Liability Partnership complies with G.S. 59-84.2, and at least one partner is licensed in this State as an individual pursuant to Rule .0301 of this Section.

(e) If the Board has not received the annual firm renewal fee and completed application on or before June 30th, the firm registration shall expire and be deemed delinquent. The firm registration may be renewed at any time within one year upon the payment of the annual renewal fee and the late renewal fees. After one (1) year from the date of expiration for non-payment of the annual renewal fee, the license shall be automatically revoked. The Board may reinstate the firm's certificate of registration, as allowed by Rule .0301.

History Note: Authority G.S. 55B-6; 83A-6; 89A-2(a1);

Eff. January 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Landscape Architects

RULE CITATION: 21 NCAC 26 .0510

DEADLINE FOR RECEIPT: Wednesday, December 10, 2014

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

On the form, box 2, please correct the rule citation to the correct number.

Line 18, replace the comma after "charge" to a semicolon and delete the semicolon after "or"

Lines 30, 32, 35, and 37, consider beginning the clause within this list with lowercase letters

Line 33, add "or entity" after "person"

Line 35, add "may" after "Board"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

21 NCAC 26 .0510 is proposed for amendment as published in 28:24 NCR 3040 as follows:

21 NCAC 26 .0510 DISCIPLINARY REVIEW PROCESS

(a) ~~General.~~ Allegations or evidence of a violation of the Landscape Architecture Licensing Act or the rules in this Chapter shall be preliminarily reviewed by the Board Chair and legal counsel to the Board. Upon a determination that evidence of a violation exists, the matter shall be subject to Board investigation and may be subject to disciplinary action by the Board.

(b) ~~Preliminary Review.~~

~~(1) Upon receipt of a complaint involving a registrant, an investigation shall be initiated by the Board's Chairman.~~

~~(2) A~~ An investigation shall be initiated by a written notice and explanation of the allegation ~~shall be being~~ forwarded to the person or ~~firm~~ entity against whom the charge is made and a response shall be requested of the person or firm so charged within 30 days of receipt of said notice to show compliance with all lawful requirements for retention of the ~~certificate of registration.~~ license. Notice of the charge and of the alleged facts or alleged conduct shall be given personally or by certified mail, return receipt requested.

~~(c) (3)~~ In the discretion of the Board Chair, a field investigation may be performed.

~~(d) (4) After preliminary~~ After additional evidence has been obtained, the Board Chair shall either:

~~(A) (1)~~ recommend dismissal of the charge, or;

~~(B) (2)~~ refer the matter to the Disciplinary Review Committee.

~~(e) (5)~~ If the Board Chair recommends dismissal, the ~~Chairman~~ Chair shall give a summary report to the Board and a vote shall be called to dismiss the complaint. If the Board does not vote to dismiss the complaint, the matter shall be forwarded to the Disciplinary Review Committee for further consideration.

~~(e) The Disciplinary Review Committee.~~

~~(f) (1)~~ The Disciplinary Review Committee shall be made up of a minimum of one member of the Board and the Board Chair.

~~(2) Upon review of the evidence, the Disciplinary Review Committee shall present to the Board a written recommendation that may include the following:~~

(g) Upon review of the evidence, and further investigation if necessary, the Disciplinary Review Committee shall present to the Board a written recommendation that may include the following:

~~(A) (1)~~ The charge be dismissed as unfounded or that the Board is without jurisdiction over the matter;

~~(B) (2)~~ The charge is admitted as true, whereupon the Board may accept the admission of guilt by the person charged and ~~sanction~~ discipline the ~~individual or company~~ person or entity accordingly;

~~(C) (3)~~ The Board accept a proposed settlement negotiated in an effort to resolve the alleged violations; or

~~(D) (4)~~ The charge be presented to the full Board for a hearing and determination of sanctions by the Board in accordance with the substantive and procedural requirements of the provisions of ~~G.S. 150B.~~ Article 3A of Chapter 150B of the General Statutes.

1 ~~(h)~~ ~~(d) Consultant.~~ A consultant to the Disciplinary Review Committee shall be designated by the legal
2 counsel of the Board if the Chair of the Disciplinary Review Committee determines that it needs assistance. The
3 consultant shall be a currently ~~registered Landscape Architect~~, licensed landscape architect selected from former
4 Board members or other ~~registered~~ licensed professionals who are knowledgeable with the Board's processes and
5 have expressed an interest in serving as a consultant. The consultant shall review all case materials and assist the
6 Disciplinary Review Committee in making a recommendation as to the merits of the case.

7 ~~(i)~~ ~~(e) Board Decision.~~ At least 15 days written notice of the date of consideration by the Board of the
8 recommendations of the Disciplinary Review Committee shall be given to the ~~party~~ person or entity against whom
9 the charges have been brought and the ~~party~~ person submitting the charge.

10 ~~(j)~~ ~~(f) Settlement Conference.~~ When the Board issues a notice of ~~hearing~~, hearing against whom the charges
11 are brought, the ~~registrant~~ person or entity may request in writing a settlement conference to pursue resolution of the
12 issue(s) through informal procedures. If, after the completion of a settlement conference, the ~~registrant~~ person or
13 entity and the Board's Disciplinary Review Committee do not agree to a resolution of the dispute for the full Board's
14 consideration, the original disciplinary review process shall commence. During the course of the settlement
15 conference, no sworn testimony shall be taken.

16
17 *History Note:* Authority ~~G.S. 89A-3.1~~; G.S. 89A-3.1(7), (8), (9); 89A-7;
18 *Eff. January 1, 2014; December 1, 2005.*